



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB5836

Introduced 2/10/2010, by Rep. Esther Golar

SYNOPSIS AS INTRODUCED:

105 ILCS 5/22-30

Amends the School Code. With respect to the self-administration of medication, provides that in the case of an asthma inhaler, the parents or guardians of the pupil may provide a written statement to the school from the parents or guardians containing specified information concerning the medication, along with the prescription label (instead of requiring the statement to be from the pupil's physician, physician assistant, or advanced practice registered nurse). Effective immediately.

LRB096 17765 NHT 33132 b

1 AN ACT concerning education.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The School Code is amended by changing Section
5 22-30 as follows:

6 (105 ILCS 5/22-30)

7 Sec. 22-30. Self-administration of medication.

8 (a) In this Section:

9 "Asthma inhaler" means a quick reliever asthma inhaler.

10 "Epinephrine auto-injector" means a medical device for
11 immediate self-administration by a person at risk of
12 anaphylaxis.

13 "Medication" means a medicine, prescribed by (i) a
14 physician licensed to practice medicine in all its branches,
15 (ii) a physician assistant who has been delegated the authority
16 to prescribe asthma medications by his or her supervising
17 physician, or (iii) an advanced practice registered nurse who
18 has a written collaborative agreement with a collaborating
19 physician that delegates the authority to prescribe asthma
20 medications, for a pupil that pertains to the pupil's asthma
21 and that has an individual prescription label.

22 "Self-administration" means a pupil's discretionary use of
23 his or her prescribed asthma medication.

1 (b) A school, whether public or nonpublic, must permit the
2 self-administration of medication by a pupil with asthma or the
3 use of an epinephrine auto-injector by a pupil, provided that:

4 (1) the parents or guardians of the pupil provide to
5 the school written authorization for the
6 self-administration of medication or use of an epinephrine
7 auto-injector; and

8 (2) the parents or guardians of the pupil provide to
9 the school (i) a written statement from the pupil's
10 physician, physician assistant, or advanced practice
11 registered nurse containing the following information or
12 (ii) in the case of an asthma inhaler, the prescription
13 label, along with a written statement from the parents or
14 guardians containing the following information:

15 (A) the name and purpose of the medication or
16 epinephrine auto-injector;

17 (B) the prescribed dosage; and

18 (C) the time or times at which or the special
19 circumstances under which the medication or
20 epinephrine auto-injector is to be administered.

21 The information provided shall be kept on file in the office of
22 the school nurse or, in the absence of a school nurse, the
23 school's administrator.

24 (c) The school district or nonpublic school must inform the
25 parents or guardians of the pupil, in writing, that the school
26 district or nonpublic school and its employees and agents are

1 to incur no liability, except for willful and wanton conduct,
2 as a result of any injury arising from the self-administration
3 of medication or use of an epinephrine auto-injector by the
4 pupil. The parents or guardians of the pupil must sign a
5 statement acknowledging that the school district or nonpublic
6 school is to incur no liability, except for willful and wanton
7 conduct, as a result of any injury arising from the
8 self-administration of medication or use of an epinephrine
9 auto-injector by the pupil and that the parents or guardians
10 must indemnify and hold harmless the school district or
11 nonpublic school and its employees and agents against any
12 claims, except a claim based on willful and wanton conduct,
13 arising out of the self-administration of medication or use of
14 an epinephrine auto-injector by the pupil.

15 (d) The permission for self-administration of medication
16 or use of an epinephrine auto-injector is effective for the
17 school year for which it is granted and shall be renewed each
18 subsequent school year upon fulfillment of the requirements of
19 this Section.

20 (e) Provided that the requirements of this Section are
21 fulfilled, a pupil with asthma may possess and use his or her
22 medication or a pupil may possess and use an epinephrine
23 auto-injector (i) while in school, (ii) while at a
24 school-sponsored activity, (iii) while under the supervision
25 of school personnel, or (iv) before or after normal school
26 activities, such as while in before-school or after-school care

1 on school-operated property.

2 (Source: P.A. 94-792, eff. 5-19-06.)

3 Section 99. Effective date. This Act takes effect upon
4 becoming law.